

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

**STEVEN HOLT, and TRY
EXCELLENCE, LLC,**

Plaintiffs,

No. 3:22-cv-00837-YY

v.

OPINION AND ORDER

**URBAN LEAGUE OF PORTLAND, INC.,
NKENGE HARMON-JOHNSON,
MICHAEL LEWELL, KARIS
STOUDAMIRE-PHILLIPS, JAMES
MASON, and SEAN MURRAY,**

Defendants.

MOSMAN, J.,

On September 28, 2023, Magistrate Judge Youlee Yim You issued her Findings and Recommendation (“F&R”) [ECF 91] recommending that I grant Defendants National Urban League, Inc. and Harmon Johnson’s Special Motion to Strike [ECF 35], grant Defendants Karis Stoudamire-Phillips, James Mason, and Sean Murray’s Motion for Joinder [ECF 39], and deny the Motion to Strike Plaintiff’s Supplementary Memorandum and Declaration [ECF 88] as moot. Plaintiffs filed Objections on October 19, 2023 [ECF 96], to which Defendants responded [ECF 97]. Defendants did not file any objections.

Upon review, I agree with Judge You. I GRANT Defendants’ Special Motion to Strike, GRANT Defendants’ Motion for Joinder, and DENY the Motion to Strike Plaintiff’s Supplementary Memorandum and Declaration.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge You's recommendation, and I ADOPT the F&R [ECF 91] as my own opinion. The Special Motion to Strike [ECF 35] is GRANTED, the Motion for Joinder [ECF 39] is GRANTED, and the Motion to Strike Plaintiff's Supplementary Memorandum and Declaration [ECF 88] is DENIED as moot.

IT IS SO ORDERED.

DATED this 4th day of January, 2024.



MICHAEL W. MOSMAN
Senior United States District Judge